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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/717,052

11/18/2003

Timothy W. Girdalin

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EXAMINER

BANGACHON, WILLIAM L

ART UNIT

PAPER NUMBER

2612

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No. 10/717,052	Applicant(s) GIRALDIN ET AL.	
	Examiner William L. Bangachon	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) ✓ | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) ✓
Paper No(s)/Mail Date <u>10/25/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Examiner's Response

1. In response to the application filed 11/18/2003, the application has been examined. The Examiner has considered the presentation of claims in view of the disclosure and the present state of the prior art. It is the Examiner's position that claims 1-48 are unpatentable for the reasons set forth in this Office action:

Priority

2. Applicant is requested to update the status of the related applications described in paragraphs [0001] through [0002] of the specification. Applicant is also requested to supply the serial numbers of the parent applications stated in paragraph [0003].

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc. In this case, line 1 of the abstract recites "The disclosed embodiment of the invention ...".

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims

Art Unit: 2612

are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1-3, 15-19, 31-35, and 47-48, are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 5-6, 11-12 and 17-18, of U.S. Patent No. 7,114,647 {hereinafter '647'}. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claims are generally broader than the claims in the patent. Broader claims in a later application constitute obvious double patenting of narrow claims in an issued patent. As such, claim 5 of '647' reads on the method of communication for a confined area of a facility recited in claims 1-3 and 16 of the instant claims, while claim 6 of '647' reads on the method of creating reports recited claim 15. Claim 11 of '647' reads on the system of communication for a confined area of a facility recited in claims 33-35 and 48 of the instant claims, while claim 12 of '647' reads on the means for generating reports recited in claim 47. Claim 17 of '647' reads on the software system of communication for a

Art Unit: 2612

confined area of a facility recited in claims 17-19 and 32 of the instant claims, while claim 18 of '647' reads on reads on the module for generating reports recited claim 31.

6. Claims 1-3, 17-19 and 33-35, are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 17 of copending Application No. 10/991,237 {hereinafter '237'}. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claims are generally broader than the claims in the copending application. As such, claim 17 of '237' reads on the method of communication for a confined area recited in claims 1-3 of the instant claims. Present claims 33-35 recites a system for practicing the method of claims 1-3 and therefore rejected for the same reasons. With regards to present claims 17-19, although claim 17 of '237' does not disclose a software system, it would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to include a software system in claim 17 of '237' because software makes complex systems easier to handle.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 17-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Art Unit: 2612

With regards to claims 17-32, the claimed modules are software programs (see paragraph [0050] of the specification) for performing certain tasks but does not require steps to be performed or does not limit the claims to a particular structure. The claimed modules are nonstatutory functional descriptive material because these modules, without the computer-readable medium needed to realize the software programs functionality, are merely a set of software instructions capable of being executed by a computer. The claimed modules are not physical "things" because they do not limit the claims to a particular structure. The claimed modules are neither computer components nor statutory processes, as they are not "acts" being performed. The claimed modules do not define any structural and functional interrelationships between the software program and other claimed elements of a computer, which permit the computer program's functionality to be realized. See MPEP 2106.01.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2612

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 1-9, 11-12, 15-25, 27-28, 31-41, 43-44 and 47-48, are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,987,421 {hereinafter 'Chuang'}.

In claim 33, Chuang teaches of a system of communication for a confined area of a facility (i.e. amusement park) {see abstract}, comprising:

Art Unit: 2612

means for receiving personal identification information of a guest (i.e. Guest ID device 7, 7a (GID)) into at least one of a set of stations (i.e. Identification Signal Searching Units 3 (ISSU), Electronic Waiting-in-line Registers 4 (EWR)) distributed throughout the confined area {see column 4, lines 38-55; column 8, lines 40-56+; Fig. 1-3};

means for receiving attraction reservation information (i.e. EWR 4) relating to at least one attraction to request at least one reservation for the guest {see column 3, lines 21-29; column 11, lines 39-46; column 12, lines 20-44; Fig. 4}; and

means for storing said reservation information {see column 3, lines 29-35; column 12, lines 44-51}.

In claim 34, a system according to claim 33, wherein Chuang further teaches of a means for receiving registration information (i.e. Automatic Rental Stations 2 (ARS), Central Control System 1 (CCS)) relating to a member or a group of members {see paragraph bridging columns 3 and 4; paragraph bridging columns 9 and 10}.

In claim 35, a system according to claim 34, wherein Chuang further teaches of a means for determining (i.e. GID) whether the guest is registered in response to the personal identification information {see column 9, lines 10-21}.

In claim 36, a system according to claim 33, wherein Chuang further teaches of a means for displaying (i.e. GID view screen 16 or big time boards) the length of time for

Art Unit: 2612

waiting for at least one attraction of the facility {see column 12, lines 44-64; Fig. 10, 150-152}.

In claim 37, a system according to claim 33, wherein Chuang further teaches of a means for displaying (i.e. GID view screen 16 or big time boards) the length of time associated with the use of at least one attraction of the facility {see column 12, lines 44-64; Fig. 10, 150-152}.

In claim 38, a system according to claim 33, wherein Chuang further teaches of a means for displaying (i.e. map of the park) the distance to an attraction and the distance between attractions {see column 12, lines 16-19+; column 13, lines 41-49}.

In claim 39, a system according to claim 33, wherein Chuang further teaches of a means for varying the available attraction time slots (i.e. EWR) for the starting and ending times for attractions (i.e. exchange registration to another attraction) {see column 13, lines 1-11; Fig. 10, 148}.

In claim 40, a system according to claim 33, wherein Chuang further teaches of a means for displaying attraction reservation information (i.e. GID view screen 16), and receiving information to change the attraction reservation information (i.e. exchange registration to another attraction) at one or more of the stations (i.e. EWR) {see column 14, lines 1-9+}.

In claim 41, a system according to claim 33, wherein Chuang further teaches of a “means for creating a message that an attraction is no longer available and assigning another attraction or starting time”, described in column 9, lines 48-54+ and column 13, lines 8-11+.

In claim 43, a system according to claim 33, wherein Chuang further teaches of a means for receiving the personal identification information at a separate entrance (i.e. GID device detector 20) to the reserved attraction {see column 12, lines 38-60}.

In claim 44, a system according to claim 34, wherein Chuang further teaches of a means for monitoring the length of time the guest waits in a queue for a reserved attraction {see column 12, lines 51-59}.

In claim 47, a system according to claim 33, wherein Chuang teaches of a means for generating line management system reports, said reports including a line management account for a given guest or group member, such as reports regarding attractions a guest has registered into and the times of the attractions so that the guest may be reminded to proceed to a registered attraction, described in column 12, lines 47-66+.

Art Unit: 2612

In claim 48, a system according to claim 33, wherein Chuang further teaches of a means for monitoring whether the guest attends the reserved attraction {see column 13, lines 8-11}.

Claims 1-9, 11-12 and 15-16, recites a method for practicing the system of claims 33-41, 43-44 and 47-48, and therefore rejected for the same reasons.

Claim 17-25, 27-28 and 31-32 recites a system of communication, recited in claims 33-41, 43-44 and 47-48, and therefore rejected for the same reasons.

14. Claims 10, 26 and 42, are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,987,421 {Chuang} in view of US Patent 5,987,421 {hereinafter 'Waytena et al'}.

In claim 42, Chuang does not disclose a "means for permitting reservation information to be received only a set number of times for a certain number of attractions". However, these claims are conventional as evidenced by Waytena et al. **Waytena, in the same field of endeavor, teach of a request filtering and generation module 203 for processing reservation requests for particular attractions wherein filtering includes determining whether a patron description is allowed to attend a certain attraction or whether the patron has exceeded a limited number of reservation at various attractions {see Waytena, column 8, lines 31-46+}. Filtering is based on age, height weight, number of reservations made by the patron, time of day, location, distance to attractions and other information {see Waytena, column 7, lines 29-**

Art Unit: 2612

51+}. Waytena suggests that such filtering is advantageous because some of the patrons maybe under age for certain shows or some patrons have special requirements in order to participate in certain attractions {see Waytena, column 16, lines 19-22; column 8, lines 9-31}. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to include the request filtering and generation module of Waytena in the system of Chuang because, as taught by Waytena, some of the patrons maybe under age for certain shows or some patrons have special requirements in order to participate in certain attractions.

Claim 10 recites a method for practicing the system of claims 42 and therefore rejected for the same reasons.

Claim 26 recites the limitations of claims 42 and therefore rejected for the same reasons.

15. Claims 10, 13-14, 26, 29-30, 42 and 45-46, are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,987,421 {Chuang} in view of US 2003/0102956 A1 {hereinafter 'McManus et al'}.

In claim 45, a system according to claim 44, wherein Chuang further teaches of a means for determining whether the person entering the information is registered {see column 12, lines 38-44} but does not disclose, "means for receiving personal identification information at the end of a queue". McManus et al, in an analogous art, teach of a means for receiving personal identification information at the end of a queue (i.e. first attraction scanner) {see McManus, paragraphs 0035}. McManus suggests that

Art Unit: 2612

such features are of great benefit to patrons because it provides means to establish only a single line for each specific attraction to thereby make a determination on how long a patron's wait in a queue line will be {see McManus, paragraphs 0037 and 0050}. Therefore, It would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to include such features in the system of Chuang because, as taught by McManus, it provides means to establish only a single line for each specific attraction to thereby make a determination on how long a patron's wait in the queue line will be.

In claim 46, a system according to claim 45, wherein Chuang further teaches of a means for receiving personal identification information at the beginning of the queue, and determining whether a person should be admitted to the attraction {see column 13, lines 4-7}.

Claims 13-14 recites a method for practicing the system of claims 45-46 and therefore rejected for the same reasons.

Claims 29-30 recites the limitations of claims 45-46 and therefore rejected for the same reasons.

Office Contact Information

16. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to William Bangachon whose telephone number is **(571)-272-3065**. The Examiner can normally be reached from Monday through Friday, 7:30 AM to 5:30 PM.

Art Unit: 2612

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Brian Zimmerman can be reached on **(571)-272-3059**. The fax phone numbers for the organization where this application or proceeding is assigned is **571-273-8300** for regular and After Final formal communications. The Examiner's fax number is **(571)-273-3065** for informal communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.



William L Bangachon
Examiner
Art Unit 2635

February 9, 2007



BRIAN ZIMMERMAN
PRIMARY EXAMINER